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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,767	03/16/2004	Kazumoto Kondo	09812.0413	3421
22852 7590 01/12/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PARKER, BRANDON	
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			2176	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/801,767

Applicant(s)

KONDO ET AL.

Examiner

Brandon Parker

Art Unit

2197

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. JP2003073074.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-12 are presented for examination.

#### *Specification*

The specification is objected to because page 18 of the Specifications recites "non-connection marks 123" on the 3 line of the 2nd paragraph; the phrase "non-connection marks **123**" may be assumed to be "non-connection marks **122**". Correction is required. See MPEP § 608.01(b).

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1-5,

Claim 1 recite "**said other apparatus**" in the 7<sup>th</sup> and 8<sup>th</sup> line of the claim renders the claim vague and indefinite due to lack of antecedent basis. Additionally claim 1 recites "data supplied by said supplying means to said second apparatus from said second apparatus" in the 10<sup>th</sup> line of the claim. The phrase "**to said second apparatus from said second apparatus**" renders the claim vague and indefinite and makes the claim ambiguous as to the metes and bounds. Claims 2-5 are dependent on claim 1 therefore the dependent claims are rejected for at least the same reasons.

With respect to claim 6-12,

Claim 6, 10, 11 and 12 recite "**which**" in the 15<sup>th</sup> line of claim 6, 6<sup>th</sup>/13<sup>th</sup>/17<sup>th</sup> line of claim 10, 11, and 12. Additionally claim 7 recites "**that**" in the 6<sup>th</sup> line of the claim. The terms "**which**" and "**that**" renders the claims indefinite because pronouns make the claim ambiguous as to the metes and bounds. Claims 7-9 are dependent on claim 6 there for the dependent claims are rejected for at least the same reasons.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hitaka et al (US Publication 2003/0220995) ('Hitaka hereinafter')

With respect to claim 1,

- **Information processing system, information processing apparatus, information processing method, storage medium (i.e. recordable medium) that stores program (i.e. computer-readable program) for implementing it to be readable by information processing apparatus and that program (Hitaka Title)**
- **first information processing apparatus that stores (i.e. supplying means) data, and a second information processing apparatus which acquires the data (i.e.**

**connecting means)** and executes an output process (**i.e. transmitting means**) wherein the **first** information processing **apparatus** comprises: management (**i.e. supervising**) means for managing the information (**i.e. data**) (**Hitaka Specs 0012 lines 1-10**)

- An information processing apparatus of the present invention comprises: storage means for storing data (**i.e. supplying means for supplying data**); transfer means (**i.e. transmitting means**) for transferring the data another information processing apparatus (**i.e. second apparatus**)(**Hitaka Specs 00169 lines 1-5**)
- monitor means (**i.e. connecting means** ) determines that said **second** information processing **apparatus** has illicitly acquired the data (**i.e. supplying said data**)(**Hitaka Claim 3**)
- An information processing apparatus comprising: storage means for storing data; transfer means (**i.e. transmitting**) for transferring the data to another (**i.e. third**) information processing **apparatus** (**Hitaka Claim 4**)
- The processes to be executed by the first information processing **apparatus** include a process for storing data received from a **third** information processing **apparatus** (**Hitaka Specs 0020 14-18**)

In regards to Claim 2,

- The photo site (**i.e. first apparatus**) sends, to the print site, a temporary print order which contains a status notification URL (**i.e. first URL**) used to access a status communication CGI and a thumbnail URL (**i.e. second URL associated**

**with first URL)** used to access a thumbnail of an album to be printed (**Hitaka Specs 0125 lines 1-10)**

- the e-mail message is sent from a mail server of the photo site (**i.e. first apparatus)** server 105 to the mobile network (**i.e. over a network)** 114A that can exchange various data with the portable terminal 113A via the Internet 104 (**i.e. connecting means**)
- FIG. 8 shows an image information table managed (**i.e. supervised**) by the photo site (**i.e. first apparatus**) server 105 in this embodiment (**Hitaka Specs 0203 lines 1-3, Drawing Fig 8**) where the image information table 900 (**i.e. first picture data of...**) saves a user ID 902 of the user who possesses that image, an image name 903, a file path **904** to an original image (**i.e. a thumbnail picture**), a path (**i.e. first URL**) 905 to a thumbnail file , a file path (**i.e. second URL associated with first URL**) 906 to a preview image (**i.e. second picture data for enlarged display of said thumbnail picture**), (**Hitaka Specs 0203 lines 7-12, Drawing Fig 8**)

In regards to Claim 3,

- A program for implementing an information processing method for acquiring data (**i.e. first picture data**) transferred (**i.e. transmitting means**) from another (**i.e. first**) information processing apparatus (**via supplying means**) and an acquisition step of acquiring the data (**i.e. means for acquiring**) controlled by the **other** information processing **apparatus** on the basis of the information (**i.e. picture data**) (**Hitaka Claim 24**)

- the photo site (**i.e. first apparatus**) server 105 upon calling the **URL (i.e. associated)** of the image (**i.e. first picture data**) acquisition (**Hitaka Specs 0406 lines 6-10**)

With respect to claim 4,

- Upon transferring image data stored in a first information processing apparatus (photo site) to a second information processing apparatus (print site), at least one of information that pertains to whether or not (**i.e. has become necessary**) the image data is to be acquired by the second information processing apparatus (**Hitaka Abstract**)
- The print site notifies the photo site of the start of processing using the received status notification URL (**i.e. first URL**) and The print site (**i.e. second apparatus**) requests the photo site (**i.e. first apparatus**) to send a thumbnail image of each album using the received thumbnail URL (**i.e. second URL**) and **acquires** a thumbnail image as a reply to that request. (**Hitaka Specs 0127 lines 1-5**)
- The print site (**i.e. apparatus**) requests the photo site to send a print image (**i.e. picture data for enlarging thumbnail**) using the received album URL (**i.e. first URL**), and the photo site sends back the print image to the print site (**Specs 0132 lines 1-5**).
- the photo site (**i.e. first apparatus**) server 105 upon calling the **URL (i.e. associated)** of the image (**i.e. first picture data**) acquisition (**Hitaka Specs 0406 lines 6-10**)

With respect to claim 5

- transfer means (**i.e. transmitting**) for transferring the data to another (**i.e. other**) information processing **apparatus**; management means for managing, at least one of information that pertains to whether or not the data can be used by the other (**i.e. third**) information processing **apparatus** (**Hitaka Claim 4**)

With respect to claim 6,

- The photo site sends (**i.e. means for acquiring**), to the print site, a temporary print order which contains a status notification URL used to access a status communication CGI, and a thumbnail URL (**i.e. first URL**) used to access a thumbnail of an album to be printed.
- Connection means for connecting to a print site 109 (**i.e. second apparatus**) for exchanging data (**Hitaka Drawing 109/Fig 1**)
- the print site (**i.e. second apparatus**) 109A **accesses** the thumbnail image (**i.e. second acquisition means**) acquisition URL (**i.e. first URL**) to acquire a thumbnail image (**i.e. first picture data**) (**implied that first apparatus is being supplied**)(**Hitaka Specs 0323 lines 1-4**)
- FIG. 34 is a flow chart showing an album selection/display process (**i.e. specifying/displaying means**) upon depression of one of album select buttons (**i.e. on which a cursor is located**) at the photo site (**i.e. first apparatus**) in the embodiment of the present invention (**Hitaka Specs 0063 lines 1-5**)

With respect to claim 7,



- a management step of managing (**i.e. verifying step**), at least one of information that pertains to **whether or not** the data can be used by the other information processing apparatus (**Hitaka Claim 8**) and the photo site server (**i.e. first apparatus**) 105 confirms (**i.e. verifies**) in step S8303 for all the image data contained in the print order, which is **specified** by the print order ID contained in the order end notification (**i.e. specifying means**) whether or not the corresponding records in the order image data table 1100 include data of the lock flag="1" (lock state) and acquisition count 1113="0" (**i.e. determines that the command has been issued**) (**Hitaka Specs 0416 lines 1-8**)
- FIG. 34 is a flow chart showing an album selection/display process (**i.e. specifying/displaying means**) upon depression of one of album select buttons (**i.e. on which a cursor is located**) at the photo site (**i.e. first apparatus**) in the embodiment of the present invention (**Hitaka Specs 0063 lines 1-5**)

With respect to claim 8,

- An information processing apparatus comprising: storage means for storing data; transfer means (**i.e. transmitting**) for transferring the data (**i.e. connected**) to another (**i.e. third**) information processing apparatus (**Hitaka Claim 4**)

With respect to claim 9,

- FIG. 49 is a flow chart showing the contents (**i.e. the information**) of a **display** process (**i.e. display means**) of a print image select dialog (**i.e. demonstrates**) at the print site **S5001**(**i.e. acquired by second acquisition means**)(**Hitaka Specs 0078, Drawing 5001/Fig 49**)

- S5004/5007 (i.e. **allow user to recognize a picture demonstrated on a display unit**) (Hitaka Drawing S5004/S5007 Fig 49) acquired by photo site(i.e. **second apparatus**)

With respect to claim 10, 11, 12

- The objects of the present invention are also achieved by supplying a storage medium (or **recording medium**), which records a program code of a software program (i.e. **computer readable program**) that can implement the functions of the above-mentioned embodiments to the system or apparatus, and reading out and **executing** the program code stored in the storage medium by a computer (i.e. **a program for having a computer executer**) (Hitaka 0485 lines 1-10)
- a management step of managing (i.e. **verifying step**), at least one of information that pertains to **whether or not** the data can be used by the other information processing apparatus (**Hitaka Claim 8**) and the photo site server (i.e. first apparatus) 105 confirms (i.e. verifies )in step S8303 for all the image data contained in the print order, which is **specified** by the print order ID contained in the order end notification (i.e. **specifying means**) whether or not the corresponding records in the order image data table 1100 include data of the lock flag="1" (lock state) and acquisition count 1113="0" (i.e. **determines that the command has been issued**) (Hitaka Specs 0416 lines 1-8)
- FIG. 34 is a flow chart showing an album selection/display process (i.e. **specifying/displaying means**) upon depression of one of album select buttons

(i.e. on which a cursor is located) at the photo site (i.e. first apparatus) in the embodiment of the present invention (Hitaka Specs 0063 lines 1-5)

- **first** information processing **apparatus** that stores (i.e. **supplying means**) data, and a second information processing apparatus which acquires the data (i.e. **connecting means**) and executes an output process (i.e. **transmitting means**) wherein the **first** information processing **apparatus** comprises: management (i.e. **supervising**) means for managing the information (i.e. **data**) (Hitaka Specs 0012 lines 1-10)
- An information processing apparatus of the present invention comprises: storage means for storing data (i.e. **supplying means for supplying data**); transfer means (i.e. **transmitting means**) for transferring the data another information processing apparatus (i.e. **second apparatus**)(Hitaka Specs 00169 lines 1-5)
- monitor means (i.e. **connecting means** ) determines that said **second** information processing **apparatus** has illicitly acquired the data (i.e. **supplying said data**)(Hitaka Claim 3)
- An information processing apparatus comprising: storage means for storing data; transfer means (i.e. **transmitting**) for transferring the data to another (i.e. **third**) information processing **apparatus** (Hitaka Claim 4)
- The processes to be executed by the first information processing **apparatus** include a process for storing data received from a **third** information processing **apparatus** (Hitaka Specs 0020 14-18)

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure which relate to a determining template icons for document applications.

US Patent 6964025 discloses an auto thumbnail gallery.

US Publication 20060129907 discloses multimedia information with RSS.

US Patent 6202061 discloses methods and apparatuses for creating a collection of media.

US Patent 6028603 discloses methods and apparatuses for presenting a collection of digital media in a media container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Parker whose telephone number is 571-270-1302. The examiner can normally be reached on Monday thru Friday 7:30am - 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on 571-270-1279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2197

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Parker  
Patent Examiner  
Art Unit 2197

BP  
12/28/2006



**FRANTZ COBY**  
**PRIMARY EXAMINER**